

MARCH 17, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTDevelle Spencer
(Develle Remond Spencer)(Enter above the full name
of the plaintiff or plaintiffs in
this action)08CV262
JUDGE HART
MAGISTRATE JUDGE NOLAN

vs.

Case No. _____
(To be supplied by the Clerk of this Court)Chicago Police Officer: Walsh #5273,Sebastian #10342, Sgt. Stephen T.Pietzak.Chicago Police Dept. 8th Dist.City of Chicago.(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)☐COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Mr. Develle Remond Spencer
- B. List all aliases: Philip Owens, Eric Hodges
- C. Prisoner identification number: CCJ. 20060097519 / Pen. B-45254
- D. Place of present confinement: C.C.J. Cook County Jail.
- E. Address: P.O. Box 089002, Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: P.O. Walsh - Badge # 5273
 Title: Chicago Police Officer - # 5273
 Place of Employment: Chicago Police Dept. - Eighth District
- B. Defendant: Mr. Sebastian, Badge # 10342
 Title: Chicago Police Officer - # 10342
 Place of Employment: Chicago Police Dept. Eighth District
- C. Defendant: Sgt. Stephen T. Piertzak
 Title: Sergeant
 Place of Employment: Chicago Police Dept. Eighth District

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

~~D~~ Defendant: Stephen T. Piertzak

Title: Sergeant

Place of employment: Chicago Police Dept. 8th District

E. Defendant: City of Chicago - Police Department

Title: Eighth District Police - Law enforcement

Place of employment: 8th District

F. Defendant: City of Chicago

Title: Metropolitan

Place of employment: City Hall

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: _____
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): _____
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: _____

- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.) Misuse of, and abuse of power warranted through Job position held...

"Police Misconduct" was render ON December 20th 2006
 When in my attempt to make it home (walking) to
 paroled address 7040⁵ Maplewood. from 72nd and Western^{AVO} Convenient
 store and gas station. Enroute of destination, Plaintiff - Develle Spencer
 was stopped by Chicago's City Police. 8th Dist. Officers -
 Sebastian #10342 and, Walsh #5273, searched and placed into
 the ~~Back~~ seat of their squad alongside another individual in
 civilian clothes, whom was beside police cruiser upon stopping
 Mr. Spencer. After been approached, searched and lied to; Officer
 told Mr. Spencer, he would be let go and given a contact card
 if he hasn't any warrants. While waiting for clearance. Officers
 (Walsh) ^{#5273} spoke with partner Sebastian #10342 - Walked to
 opposite side of vehicle to let the initial civilian out
 of the backseat alongside Plaintiff Mr. Spencer. - This civilian
 later learned as Jacqueline Kidd. Officer Walsh #5273, then
 proceed to remove items from this civilians person...
 3 silver Watches, Roles of coin currency and paper currency
 Apprx. 5 to 6 roles of coin currency. - later discovered as proceeds

from a crime - This civilian was then let go. Officers
 Walsh brought and placed mentioned items in Police
 vehicle. front seat... before this Misconduct was displayed
 Officers Walsh #5273, Sebastian #10342, had discovered that
 the Plaintiff at that time was on parole and had been
 recently released from Cook County's jail also... These officer's
 then drove Plaintiff Mr. Spencer up the block to a crime
 scene, that being a store ~~that~~ had broken window front, then
 into its alley. Where a garbage bin stood to the side. full of
 similar items Removed from initial civilian, Jacqueline Kidd.
 At this point backup was "then" called. This part
 being one of the same units that came into
 contact with the arresting unit just after removing civilian
 #1 (J.K.) from the cruiser. Then also being the officers to
 transport me to the 8th Dist. Police station, for the offense
 of Burglary... My 4, 14, 5, & 8th Amendments has been violated
 on this incident through and by officers of this City. Who
 work for Chicago's Police Dept... Evidence was removed from
 one person, being the initial suspect of the crime, and
 used to convict me - Mr. Spencer - as evidence against
 Me - Mr. Spencer in trial for a crime I did not commit
 Police Misconduct manifested by Officers Walsh #5273
 Sebastian #10342, Planting of evidence ^{#5273}, giving false testimony,
 deprive Plaintiff of his freedom #10342, On December 20, 2006.

Police Misconduct/Corruption). On December 20th 2006, while at the police station, being detained for false charges of Burglary. The Investigating officer - civilian clothes, mild attempt to interrogate plaintiff admonishing him (Mr. Spencer) of the charges being brought against him. At this plaintiff openly stated the he no longer wish to speak and would like to call O.P.S.. This Investigator stated, "atchance" of that, because you're not getting a phone call. (At approximately 9:30 AM. to 11:00 AM on or about these hrs. The plaintiff was taken into the booking area) while waiting to be taken to booking and immediately after Investigator's denial of my phone call. I, the plaintiff, requested for a, "white-shirt", (A supervisor.) Hrs. later I was escorted to booking with the arresting officers and an awaiting white shirt for that shift.. 10:00 AM. I relayed the violation that of which I was experiencing by the unfriendly - characters of, from his department members. I then asked for a phone call. A verbal agreement ("OK") was granted. Relaying his response to Booking officer at that time. "A permit that went unheard." for two full days. I did not receive a phone call at this establishment. It took for me to "get ill" and be transported to Holy Cross hospital, Emergency Room 12/22/06. 2701 W. 68th Street. Registration No.s (MR # 88-50-41) ~~Devette~~ Spencer. -Develle - 000323 92300 - ER. Escorted by officers of the Department in question. Here is where I pleaded with the physician whom signed my discharge and medication form, to call my father - 1-630-1964-6370/272-7534. and relay the message that of police misconduct/corruption, that these Police dept. refuse to let me make a phone call and has put a case on me. The emergency Room Discharge form Register No. ISO - MR# 88-50-41. The Doctors Signature isn't legible

Spencer, Develle

000323 92300

09/13/11

ERCP,

035Y M BA

12/22/06

However the nurse at that time name Ready/Norman.

I was then taken to the police dept. then later transported to Cook County Jail where the Emergency Dept. Discharge instruction form was handed over and filed into CC files. I requested via grievance officer, a copy of this form.

Corruption:

Cit OF CHICAGO Department of Police

Sgt. Stephen Piertzak, in response to Complaint register # 1002215, O.P.S. On 01-17-07 a letter was written to Plaintiff informing him that an investigation has been initiate and a meeting for interview was conducted in the early parts of Feb. 2007. here in the Cook County Jail. This meeting consist of three parties. Develle Spencer - (the Plaintiff), Sgt. Stephen Piertzak and a 3rd representator for outside relations. While being interviewed for the allegation toward members under Sgt. Piertzak's watch. I learned that Sgt. Piertzak may not be to my best interest in this investigation. The comments this Sgt. made during our interview, left me with the impression - "to be hopeful" - of a fair - non-bias investigation. I explain how a surveillance tape at the gas station would reveal supporting footage toward my complaint of false arrest on Officers Sebastian #10342, Walsh #5273. and that also in support of are documents recorded at the county jail Trust fund. and there is a Police Pod or Pawn camera to also help. To all, negative response were given by Sgt. Piertzak. My immediate concern lead me to write a letter reporting officer's bias behavior and nonchalant regards / comments, on the evening of our interview. Addressed and mail (3510 S. Michigan Ave) 4 month later new discoveries lead me to attempt contact. Sgt. Stephen Piertzak. Via My C.R.W. Div: 5 Social Worker - Margaret Howonnic. The Sgt. response was "quote" Sgt. Piertzak doesn't want to talk to you, or need to talk to you. The information wa of a witness newly discovered. Not any attempts was made toward my interest, No interview of witnesses both old and newly discovered, No viewing of gas station footage, nor Police Pod/Pawn footage. No view of financial recorded document. At Cook Co. unty Jail trust funds office. All of which confirms my previous concerns derived dur interview. Sgt. Piertzak's comments "quote", "Mr. Spencer, I'm not here to get you off, I know the officers inquestion. I am here to make sure "My" officers didn't do anything wrong

Numerous letters were written to no avail. About this entire incident involving all 3 parties, until 11/15/07. Notifying me that an investigation has been order. Misconduct against members of Chicago Police Dep

4th. Claim, 4th. -
- Paragraph. A

City of Chicago

Employee Liability, Harassment

The City's orientation-training:

The officers were trained upon requirement of employment - for the City. Misconduct, direct neglect of duty, infidelity - to sworn oath in attribute to personal relation, brotherly bond, Participation in Corrupt activities, deprivation of liberty, Cruel and unwarranted penalty, and arrests ~~without~~ lawful justification. Were not of interest of the City's training, as well as purpose of employment. It is employee's of City of Chicago - with certified training - actions of a non - professional manner. While on duty as a professional law enforcer for the City of Chicago. Acting in numerous violation ^{harassment} rendering fear toward that I have confidence in being protected by as a ~~cit~~ citizen equally... My prior trespass across the law doesn't warrant me non "equal protection of the law." I feel threaten because of these sworn to oath and uphold all that I'm equally entitled to. ^{2nd} On December the 20th ²⁰⁰⁶ and then thereafter November 14th 2006. Arrested without lawful justification. harassment by the City's law enforcement agency do to my past criminal status and current or not parole status. Should not, do not mean I am to be arrested. November 14th arrest for the offense of burglary attempt failed, attempt #2. of Misconduct a success corruption. December 20th 2006. 16 days apart from release of first. Attempt.

Develle Spencer

On December 20th of 2006, It is through the employee's of the city of Chicago, a numerous of my inalienated right as a United States citizen has been violated. Once Chicago Police officers took my freedom, without just cause - stop me, search me, took my money and count out the amount using that figure as evidence against me. (4th 5th Amendment) were violated. Officer's of Chicago's 8th District police Department. Ofc. Walsh # 3273 and Ofc. Sebastian # 10342 abusive use of power rendered me to suffer a disturbing experience of living conditions so improper and uncomfortable that it is not decent, even to the average citizen, here in the county jail cell. The cruelty of being placed in a cell formally designed for (2) two occupants, without heat during the winter months, and no plumbing - work water in the sink or toilet. Urine and excrement feces filled the toilet. Me, being the 3rd occupant, was conditioned to the floor. With only a foamed mattress and inadequate bedding materials where the coldness is at its worse. For what reason I have been cheated of my privileges as a citizen? The City's Police Officer's takes the law and enforce it as fit to their satisfaction - became the law with little to no regards to abridging me of fairness. My freedom has been taken. Officer's of this sort acting outside their training set for comfort and peace to be held for the citizen. Abates my regards to the confidence of being protected by the law to actually feeling that I am in danger. When those sworn of an oath to uphold the law breaks the law. (8th, 14th Amendment were violated)

Devellie Spence

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Submission of an Apology, \$120,000
each — Surrender of their Badges, 2,000,000⁰⁰
from the City

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this _____ day of _____, 20____

Develle R. Spencer

(Signature of plaintiff or plaintiffs)

Develle R. Spencer
(Print name)

20060097519
(I.D. Number)

P.O. BOX 089002
Chgo, IL 60608
Div. 11 (Cook County Jail)
(Address)